IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1449 OF 1999

Shivprerana Mahila Industrial Society Ltd.
Yashavant Nagar, Vasantrao Naik Mahamarg,
Chembur, Mumbai-400 071. .. Petitioner

v/s.

1. State of Maharashtra, through Secretary,
Food and Civil Supplies Department,
Mantralaya, Mumbai.

2. The Controller of Rationing, Churchgate,
Mumbai.

3. Smt.Sangita Shankar Holkar, Rahul Nagar, .. Respondents
Tilaknagar, Chembur, Mumbai
As per court's order dated 7.2.2006,
petitiion dismissed against R.No.3.

Mr.P.A.Pol for the petitioner.

Ms.P.S.Cardozo, Assistant Government Pleader for the respondent Nos.1 and 2.

CORAM : R.M.LODHA &
NARESH H. PATIL, JJ.

DATED : 31ST JULY, 2006.

ORAL JUDGMENT (Per R.M.Lodha, J.)

Shivprerana Mahila Industrial Society Limited is a women's co-operative society, registered under the Maharashtra Co-operative Societies Act, 1960 (for short, `the society'). The society is the petitioner before us. Its grievance is that for the area Rahul Nagar, Tilak Nagar, Chembur, Mumbai (under item No.1480 of the advertisement dated 4.6.1998), the allotment of authorised

ration shop has wrongly been reserved for women and grant of the said ration shop in favour of the respondent No.3 by the order dated 15.1.1999 is illegal. Pursuant to the advertisement dated 4.6.1998 under item No.1480 for the shop at Rahul Nagar, the case of the petitioner is that it made the application within time. The petitioner met all the requisite conditions for allotment of ration shop but despite that, as per the order dated 15.1.1999 received by the petitioner, the said shop was granted in favour of respondent No.3. According to the petitioner, in the advertisement dated 4.6.1998, it was not mentioned that the ration shop for the Rahul Nagar area was reserved for women.

2. By means of this writ petition, the society has prayed that the order dated 30th November, 1998, declaring the reservation in favour of women in respect of shop at item No.1480 be quashed and set aside and the order dated 15.1.1999 passed by the Controller of Rationing, Churchgate be quashed.

3. At the outset, the counsel for the petitioner referred to the order dated 3rd March, 2003 passed in group of writ petitions being writ petition No.2157 of 1999 and other matters and submitted that the present controversy is covered by the said order. We carefully considered the order dated 3rd March, 2003 and we are of the view that the said order has no application to the present controversy. The group of matters in which the order was passed on 3rd March, 2003 related to non-consideration of the applications made for the purpose of granting fair price shop authorisations in various places. As already noticed above, in the present case, the petitioner's application has been considered but the petitioner was not found eligible as the ration shop for which the application was made by the petitioner was reserved for women. The society is a women's co-operative society but is surely not the women for which reservation

has been made. The petitioner-society is, therefore, ineligible.

4. The counsel for the petitioner then contended that in the advertisement dated 4.6.1998, the said shop was not shown as reserved for women. The contention does not appeal us. It is admitted in the writ petition that in the advertisement dated 4.6.1998, it is mentioned that provision of 30% reservation in favour of the women has been made. The 30% reservation in favour of women is founded on Government resolutions dated 22.4.1998 and 3.8.1998. Want of specific mention in the advertisement that it is reserved for women is not fatal.

5. Having considered the matter thoughtfully, we find that no error has been committed by the respondent No.2 in granting the ration shop to the respondent No.3 and that there is no illegality in the order dated 30th November, 1998 declaring the reservation in favour of the women in respect of the ration shop at Rahul Nagar (under item 1480).

Writ petition is devoid of any substance and it is dismissed accordingly. No costs.

(R.M.LODHA, J.)

(NARESH H. PATIL, J.)